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Atty. Dkt. No. 016887-1092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hidetoshi KOIKE et al.
Title: SEMICONDUCTOR DEVICE AND METHOD OF
FABRICATING THE SAME
Appl. No.: 10/676,123
Filing Date: 10/02/2003
Examiner: Unassigned
Art Unit: 2811

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

In a counterpart Chinese application, a Chinese Office Action issued on April 2, 2004. According to an English translation obtained by Applicants' representative of the Chinese Office Action, the Chinese Patent Office made certain characterizations of the reference.

For the Examiner's convenience attached is a partial English translation of the Chinese Office Action.

The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Chinese Office Action.

An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609). An English language abstract is provided herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By _____

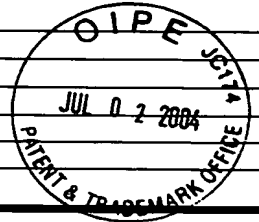
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 2, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/676,123</td> </tr> <tr> <td>Filing Date</td> <td>10/02/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Hidetoshi KOIKE</td> </tr> <tr> <td>Group Art Unit</td> <td>2811</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>016887-1092</td> </tr> </table>		Application Number	10/676,123	Filing Date	10/02/2003	First Named Inventor	Hidetoshi KOIKE	Group Art Unit	2811	Examiner Name	Unassigned	Attorney Docket Number	016887-1092
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	2000-68502	A	NEC CORP.	03-03-2000		Abst.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Translation of Chinese Office Action issued on April 2, 2004
(Serial No. 10/676,123 – Our Ref: 16887-1092)

Page 1, paragraph 4

Claim 4 is dependent on Claim 1, which limits the technical specification to “said electrode portion further has a metal nitride portion”. However, these characters have been published in reference 2 (see Description paragraphs 38-50). Furthermore, its function disclosed in this invention is the same as described in reference 2, which is to be used in a barrier layer and a glue layer. Therefore, reference 2 implied the use of the device claimed to solve the technical problem. Combined with the disclosures in reference 1, the claimed device is obvious for a person with ordinary skill in the art. Since the said claim is lack of novelty, it does not have the “creativity” required by Patent Law 22.3

Page 1, paragraph 5

Claim 5 is dependent on Claim 4, which further limits the technical specification to “said metal nitride portion is formed between said polysilicon portion and said metal portion”. This is also disclosed in reference 2 (see Description paragraphs 38-50). In addition, the function disclosed in this invention is the same as in the reference, which is to prevent diffusion of the metal to the polysilicon layer. Since claim 4 is lack of creativity, claim 5, which is dependent on claim 4, is also lack of creativity as required by the Patent Law 22.3.